

REMARKS

In an Office Action mailed on December 5, 2007, claims 50-58 were rejected under 35 U.S.C. § 102(a) as being anticipated by or alternatively under 35 U.S.C. § 103(a) as being obvious over Yamada; and claims 50-55, 57 and 58 were rejected under 35 U.S.C. §102(a) as being anticipated by, alternatively as being obvious under 35 U.S.C. § 103(a) over Japanese Publication No. JP 04-284365 (herein called the "JP '365 application").

As amended, the system of independent claim 50 recites a fuel cell; a heat exchanger; and a device that is thermally coupled by the heat exchanger to the fuel cell to receive thermal energy from the fuel cell and is adapted to generate a heat demand signal indicative of the device needing more thermal energy from the fuel cell. The system also includes a controller to control at least one of the fuel cell and the oxidant flow based on the heat demand signal and the power that is generated by the fuel cell.

Contrary to the limitations of amended independent claim 50, Yamada merely discloses a temperature sensor S21 that, as taught by Yamada, is used for purposes of detecting when a fuel cell unit 7 is behaving abnormally. Yamada, 12:26-32. However, there is no teaching or suggestion in Yamada that the temperature sensor S21 generates a heat demand signal from a device that is thermally coupled by a heat exchanger to a fuel cell to receive thermal energy from the fuel cell. Furthermore, there is no plausible reason for one of skill in the art in view of Yamada to modify Yamada so that the temperature sensor S21 provides such a heat demand signal. In other words, the temperature sensor S21 of Yamada is only used for purposes of detecting abnormal operation of Yamada's fuel cell unit, not for purposes of controlling an independent device.

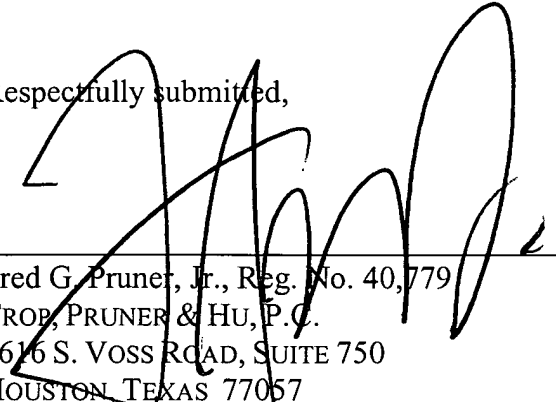
Similarly, amended independent claim 50 overcomes the §§ 102 and 103 rejections in view of the JP '365 for at least the reason that the JP '365 application merely discloses a temperature sensor 6, which is a catalyst temperature sensor of a reformer. As can be appreciated by one of skill in the art, a reformer is not a fuel cell. Furthermore, a heat exchanger does not couple the reformer in the JP '365 application to a fuel cell. Therefore, for at least any of these reasons, amended independent claim 50 overcomes the §§ 102 and 103 rejections in view of the JP '365 application.

CONCLUSION

In view of the foregoing, Applicant respectfully requests withdraw of the §§ 102 and 103 and a favorable action in the form of a Notice of Allowance. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504 (PUG.0083C1US).

Respectfully submitted,

Date: March 5, 2008



Fred G. Pruner, Jr., Reg. No. 40,779
TROP, PRUNER & HU, P.C.
1616 S. VOSS ROAD, SUITE 750
HOUSTON, TEXAS 77057
713/468-8880 [Phone]
713/468-8883 [Fax]